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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,638	11/26/2001	Hisashi Yasoda	P21732	4715

7055 7590 04/23/2003

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/991,638

Applicant(s)

YASODA ET AL.

Examiner

Phong H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mechanism for pivoting the blade with respect to the data collected by the sensor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The Specification appears to be a literal translation into English from a foreign document. It is confusing and has many run on clauses. For example, see page 12, lines 12-22 and page 18, lines 14-22. A new Specification is required.

### ***Claim Objections***

3. The claims 6, 7, and 15 are objected to because they include parentheses. Parentheses are used for reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant does not provide the structural relationship for pivoting the blade, i.e., the mechanism for pivoting the blade with respect to the data collected by the sensor is not explained or shown.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6-16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 7, and 15 recites the limitation "top dead center". There is insufficient antecedent basis for this limitation in the claims.

Claims 1-18 are confusing. They are run on clauses. They appear to be a literal translation into English from a foreign document.

It is unclear whether claims 6 and 7 are independent or dependent claims. It is assumed that claims 6 and 7 depend on claim 1 since they refer to claim 1. However,

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clarification is required. Also, correction is required if the claims are intended not to depend from claim 1 by eliminating reference to claim 1. Since this would result in four independent claims being present, applicant would also be required to provide any required fees over three independent claims in response to this Office action.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Rayment (4,656,904).

Regarding claim 1 and 2, Rayment teaches a cutting apparatus comprising a cutting blade 36, a support 40 capable of controlling tilting angle of the cutting blade 42. See Fig.

2. Rayment teaches a pneumatic driving source. See the Abstract.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rayment (4,656,904) in view of Maynard et al. (5,269,739). Rayment does not teach a servomotor, a hydraulic servomotor, or a linear motor driving source. Maynard et al. teach using a servomotor or a hydraulic servomotor or a linear motor as driving sources. See col. 7, lines 37-49, col. 6, lines 30-34, and claim 3. Therefore, it would have been obvious to incorporate a servomotor or a hydraulic servomotor or a linear motor as taught by Maynard et al. to Rayment's cutting apparatus as alternative power or driving sources from which manufacturers or consumers may select.
12. Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rayment (4,656,904) in view of Singer et al. (5,079,981). Rayment does not teach a sensor system to control the tilting angle of blade 36 with respect to workpiece 12. See Fig. 4. It appears that the tilting angle is adjusted by hand. Singer et al. teach a sensor system 26, 28, 30, and 30 to adjust a cutting blade 14 parallel to the edge of a workpiece 16 a. See Figs. 1 and 2. Therefore, it would have been obvious to incorporate the parallelism system as taught by Singer et al. to automate the adjusting of the tilting angle in the cutting apparatus of Rayment.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takatoshi (4,603,609), Shinmoto (5,116,554), Park (6,324,953 B1), Hoyer-Ellefsen (5,931,073), Castore et al. (5,521,707), Suzuki et al. (6,418,826 B1), and Lonn et al. (6,070,509) teach cutting apparatuses and sensor systems of general interest.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

PN:

*pn*

April 21, 2003

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700